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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN MARIANA ISLANDS

8 ROBERT D. BRADSHAW,) CASE NO. CV 05-00027

9 Plaintiff,)

vs.)

10 COMMONWEALTH OF THE NORTHERN) NOTICE OF MOTION AND
11 MARIANA ISLANDS, NICOLE C. FORELLI,) MOTION TO STRIKE PORTIONS
12 WILLIAM C. BUSH, D. DOUGLAS COTTON,) OF PLAINTIFF'S THIRD
13 L. DAVID SOSEBEE, ANDREW CLAYTON,) AMENDED COMPLAINT
14 UNKNOWN AND UNNAMED PERSONS IN)
15 THE CNMI OFFICE OF THE ATTORNEY)
GENERAL, PAMELA BROWN, ROBERT)
BISOM and JAY H. SORENSEN,)

Defendants.)

Date: Thursday, November 30, 2006
Time: 8:30 a.m.
Judge: Hon. Alex R. Munson

17 NOTICE OF MOTION AND MOTION

18 Please take notice that on the 30th day of November, 2006, at 8:30 a.m. in the above-
19 entitled Court located in the First Floor, Horiguchi Building, Garapan, Saipan,
20 Commonwealth of the Northern Mariana Islands, or a soon thereafter as this matter may be
21 heard, Robert A. Bisom, through the undersigned counsel, will and does hereby bring the
22 following Motion to Strike Portions of Plaintiff's Third Amended Complaint pursuant to Fed.
23 R. Civ. P. 12(f). This motion is supported by the pleadings and records on file in this matter,
24 and by the supporting Memorandum incorporated herein.

1 MEMORANDUM IN SUPPORT OF MOTION
23 A. FACTS.
4

5 Plaintiff makes a substantial number of allegations in his Third Amended Complaint
6 that have no bearing on this matter and/or are pled merely to incite an emotional response
7 and/or are pled to cause others embarrassment and/or are merely an unwarranted and biased
8 criticism of race and culture and/or are wholly unsubstantiated nor could the allegations ever
9 be substantiated. Among those allegations are the following:

- 10 • Paragraphs 126-127: Bradshaw alleges generally that “for years” some CNMI
11 judges have been accused of corruption and racketeering in their actions, and he goes on to
12 allege that a sitting Justice of the Commonwealth Supreme Court caused a former Justice of
13 the Court to improperly receive “large sums of money” and that the sitting Justice “shared in
14 this money plunder.”
15 • Paragraph 139: Bradshaw alleges that some of the defendants are “crooks” and
16 states, generally, that “on Saipan, it would be easy to pay a bribe to a Saipan postal employee
17 and have documents date stamped however desired.”
18 • Paragraph 150: Alleges that Commonwealth Supreme Court Justices are “guilty
19 of misconduct” and would, because of judicial immunity and questions of jurisdiction “escape
20 any liability for their wrong/illegal actions.” [The Court has already dismissed two sitting
21 Justices and a Justice *pro tem* from this case.]
22 • Paragraph 322: Bradshaw alleges that the Commonwealth Office of the
23 Attorney General “has historically had a reputation for incompetence and lack of diligence
24 accruing because many of the personnel are short timers more interested in beach time,
25 snorkel diving and leisure activities than in legal work.”
26 • Paragraph 334: Bradshaw alleges that “The prevalence of criminal and
27 racketeering activities in the CNMI government and among its employees are [sic] well
28 established.” Bradshaw then goes on to allege, again, that a sitting Justice of the
Commonwealth Supreme Court “used his office to bestow an improper/illegal payment of

1 almost \$300,000.00 to his colleague” and that the Justice “shared in this plunder.” Bradshaw
 2 goes on to recite various “examples” involving various Commonwealth officials that he
 3 apparently culled from *news reports* to substantiate his allegations of widespread public
 4 corruption.

5 • Paragraph 358: Bradshaw alleges that the Commonwealth Government has a
 6 “policy to discriminate against persons of non-NMI racial descent” citing, by way of example,
 7 Articles XI and XII of the Commonwealth Constitution. Bradshaw goes on to allege that
 8 “This racial discrimination permeates throughout the whole structure of government in its
 9 dealing with persons of non-NMI racial descent.” Bradshaw also accuses the “[non-NMI
 10 descent] AG lawyers and court officials” of complicity in intentional discrimination in order
 11 to save their jobs.

12 • Paragraph 359-360: Bradshaw again alleges that the [non-NMD] Government
 13 Defendants in this action, though not likely to engage in racial discrimination “in their own
 14 right”

15 would gladly accept money as paid lawyers to defend and work
 16 for the racial discrimination interests of the CNMI. After all,
 17 gangsters like Al Capone and Lucky Luicano could and did buy
 18 the best lawyers available with money. The same applies to
 19 defendants SORENSEN and BISOM who stood to gain by
 20 participating with the CNMI in its discrimination against
 21 BRADSHAW.

22 This list is demonstrative, not exhaustive, but at the very least the above-referenced
 23 allegations contained in Plaintiff’s Third Amended Complaint should be struck from this and
 24 any subsequent pleadings, if any, filed by Plaintiff in this matter.

25 **B. STANDARD FOR MOTIONS TO STRIKE.**

26 Under Federal Rule of Civil Procedure 12(f), “the court may order stricken from any
 27 pleading . . . any redundant, immaterial, impertinent, or scandalous matter.” Immaterial
 28 matter “has no essential or important relationship to the claim for relief. . . ” *Fantasy, Inc. v.
 Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993) (quoting CHARLES A. WRIGHT & ARTHUR R.
 MILLER, 5C FEDERAL PRACTICE AND PROCEDURE 5 1382, at 458 (1990)). Impertinent matters

1 “do not pertain, and are not necessary, to the issues in question.” *Id.* (quoting Wright, *supra*
 2 at 1382, at 463). Scandalous matter “improperly casts a derogatory light on someone” unless
 3 the matter is relevant to the case. Wright, *supra* 5 1382, at 46567.

4 C. PLAINTIFF’S THIRD AMENDED COMPLAINT CONTAINS IMMATERIAL,
 5 IMPERTINENT, AND SCANDALOUS ALLEGATIONS THAT SHOULD BE
 STRUCK.

6 The allegations contained in above-described paragraphs that Plaintiff has chosen to
 7 include (or leave) in his Third Amended Complaint add no substance to the allegations he
 8 makes against the named defendants therein and serve only to embarrass individuals, attack
 9 cultures and generally confuse the issues about which Plaintiff complains. Bradshaw’s
 10 outrageous allegations are based on nothing more than speculation, innuendo, unsubstantiated
 11 assertions contained in notoriously false news reports, and interjection of his own obvious
 12 animosity towards persons of Northern Marianas descent.

13 Because the allegations contain nothing of substance, because they are based solely on
 14 Bradshaw’s conjecture and hyperbole, and because such allegations merely import impertinent,
 15 irrelevant and scandalous matters into these proceedings, the offending allegations of such
 16 paragraphs, in addition to any and all other similarly offensive allegations identified by the
 17 Court, should be struck from this and future pleadings, if any, of Plaintiff.
 18

19
 20 Respectfully submitted this 3rd day of November, 2006.

21 /s/ Mark B. Hanson

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1 CERTIFICATE OF SERVICE
2

3 I hereby certify that this day a copy of the foregoing was deposited in the United States
4 Post Office, first class mail, postage prepaid, addressed to the following:
5

6 Robert D. Bradshaw, Plaintiff *pro se*
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23 DATED: November 3, 2006 /s/ Mark B. Hanson
24 MARK B. HANSON
25
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